

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FULTON III, et al.

Serial No. **Not yet assigned**

Filed: Submitted herewith

For: **BIOPSY LOCALIZATION
METHOD AND DEVICE**

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97–1.98, information relating to the above-identified application is hereby disclosed. The accompanying Form PTO-1449 provides a listing of documents that may be relevant to the subject application.

It is requested that the Examiner fully consider the art cited in the accompanying Form 1449, initial the left-most column of the form adjacent each cited reference, and return a copy for Applicants' records. It is further requested that the art be cited on the cover of any patent issuing from the subject application.

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Theresa Canett

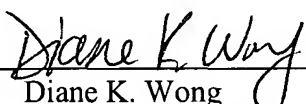
In accordance with §1.97(b), this Information Disclosure Statement is being filed within three months of the filing date of the above-identified application, and therefore no fee is required.

In accordance with §1.98(d), copies of some or all of the references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the Patent and Trademark Office in prior Application Serial No. 09/996,878 for which a claim for priority under 35 U.S.C. §120 has been made in the instant application. Accordingly, Applicants will provide duplicate copies in respect of the present case only if the Examiner so desires. For those references newly cited in this application, copies are enclosed herewith.

This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made. Nor does this statement constitute an admission by Applicants or Applicants' agent that the information provided herein is necessarily prior art to Applicants' invention. Moreover, Applicants reserve the right to establish the patentability of the claimed invention over any of the listed documents should they be applied there-against as references. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-0639.

Respectfully submitted,
O'MELVENY & MYERS LLP

Dated: July 25, 2003

By 
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Substitute for form 1449A/PTO <h2 style="text-align: center; margin: 0;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center; margin: 0;">(use as many sheets as necessary)</p>				Complete if Known	
				Application Number	Not yet assigned
				Filing Date	Submitted herewith
				First Named Inventor	FULTON et al.
				Group Art Unit	
				Examiner Name	
Sheet	1	of	4	Attorney Docket Number	032,290-066

U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	AA	3,818,894		Wichterle et al.	6/1974	
	AB	4,007,732		Kvavle et al.	2/1977	
	AC	4,248,214		Hanna et al.	2/1981	
	AD	4,331,654		Morris	5/1982	
	AE	4,541,438		Parker et al	9/1985	
	AF	4,545,367		Tucci	10/1985	
	AG	4,592,356		Gutierrez	6/1986	
	AH	4,647,480		Ahmed	3/1987	
	AI	4,693,237		Hoffmon et al.	9/1987	
	AJ	4,774,948		Markham	10/1988	
	AK	4,799,495		Hawkins, et al.	1/1989	
	AL	4,813,422		Fisher	3/1989	
	AM	4,817,622		Pennypacker et al.	4/1989	
	AN	4,847,049		Yamamoto	7/1989	
	AO	4,852,568		Kensey	8/1989	
	AP	4,909,250		Smith	3/1990	
	AQ	4,966,583		Debbas	10/1990	
	AR	4,986,279		O'Neill	1/1991	
	AS	5,014,713		Roper et al.	5/1991	
	AT	5,018,530		Rank et al.	5/1991	
	AU	5,080,655		Haaga	1/1992	
	AV	5,083,570		Mosby	1/1992	
	AW	5,158,084		Ghiatas	10/1992	
	AX	5,195,988		Haaga	3/1993	
	AY	5,197,482		Rank et al.	3/1993	
	AZ	5,221,269		Miller et al.	6/1993	
	BA	5,236,410		Granov et al.	8/1993	
	BB	5,281,408		Unger	1/1994	
	BC	5,282,781		Liprie	2/1994	
	BD	5,325,857		Nabai et al	7/1994	
	BE	5,334,216		Vidal et al.	8/1994	

Examiner Signature		Date Considered	
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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		Number	Kind Code ² (if known)			
	BF	5,334,381		Unger	8/1994	
	BG	5,353,804		Kornberg et al.	10/1994	
	BH	5,388,588		Nabai et al.	2/1995	
	BI	5,394,886		Nabai et al.	3/1995	
	BJ	5,409,004		Sloan	4/1995	
	BK	5,422,730		Barlow et al.	6/1995	
	BL	5,423,321		Fontenot	6/1995	
	BM	5,467,780		Nabai et al.	11/1995	
	BN	5,479,936		Nabai et al.	1/1996	
	BO	5,483,972		Nabai et al.	1/1996	
	BP	5,487,392		Haaga	1/1996	
	BQ	5,494,030		Swartz et al.	2/1996	
	BR	5,517,997		Fontenot	1/1996	
	BS	5,526,822		Burbank et al.	6/1996	
	BT	5,549,560		Von de Wijdeven	8/1996	
	BU	5,556,410		Mittermier et al.	9/1996	
	BV	5,636,255		Ellis	6/1997	
	BW	5,643,246		Leeb et al.	7/1997	
	BX	5,646,146		Faarup et al.	7/1997	
	BY	5,647,374		Cutrer	7/1997	
	BZ	5,660,185		Shmulewitz et al.	8/1997	
	CA	5,676,925		Klaveness et al.	10/1997	
	CB	5,688,490		Tournier et al.	11/1997	
	CC	5,795,308		Russin	8/1998	
	CD	5,807,276		Russin	9/1998	
	CE	5,902,310		Foerster et al.	5/1999	
	CF	6,053,876		Fisher	4/2000	
	CG	6,056,700		Burney et al.	5/2000	
	CH	6,071,301		Cragg et al.	6/2000	
	CI	6,161,034		Burbank et al.	12/2000	
	CJ	6,183,497		Sing et al.	2/2001	

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	CK	6,214,045	Corbitt, Jr. et al.	4/2001	
	CL	6,270,464	Fulton, III	8/2001	
	CM	6,248,057	Mavity et al.		
	CN	6,356,782	Sirimanne et al.	3/2002	
	CO	6,427,081	Burbank et al.	7/2002	
	CP	2002/0026234	Li et al.	2/2002	
	CQ	2002/0026201	Foerster et al.	2/2002	

FOREIGN PATENT DOCUMENTS								
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		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	CR	EP	146699 ✓			9/1987		
	CS	EP	0481685 ✓			10/1991		
	CT	EP	894 503			3/1999		
	CU	WO	93/14712 ✓			5/1993		
	CV	WO	96/08208			3/1996		
	CW	WO	98/06346			2/1998		
	CX	WO	00/38579			7/2000		

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				Examiner Name	
Sheet	4	of	4	Attorney Docket Number	032,290-066

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume–issue number(s), publisher, city and/or country where published.	T ²
	DA	Hussman et al., "Optical Breast Lesion Localization Fiber: Preclinical Testing of a New Device," <u>Radiology</u> , 200:865-866 (September 1996)	
	DB	Hussman et al., "MR Mammographic Localization Work in Progress," <u>Radiology</u> , 189:915-917 (1993)	
	DC	"Surgical Treatment of Breast Disease, Making the Diagnosis of Breast Cancer: Non-Palpable Breast Masses," BreastDoctor.com, http://www.breastdoctor.com/breast/surgery/biopsy.htm	
	DD	"Surgical Treatment of Breast Disease: What's New? Diagnosing Breast Cancer: The ABBI Breast Biopsy System," BreastDoctor.com, http://breastdoctor.com/breast/surgery/abbi.htm	

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